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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JAN 21 2004

Applicant: David H. Sitrick)
 For: SYSTEM AND METHODOLOGY)
 FOR MUSICAL)
 COMMUNICATION AND)
 DISPLAY)
 Serial Number: 09/492,218)
 Filed: January 27, 2000)
 Examiner: M. Fletcher)
 Art Unit: 2837)
 Attorney Docket: STD 1757)

Certificate of Transmission under 37
 CFR 1.8

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Elise L. Corrado
 Elise L. Corrado

(42 pages transmitted)

AMENDMENT D

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby submits this Amendment D for the Final Office Action—Date Mailed:

October 21, 2003, Paper No. 22, for which a response is due January 21, 2004 by a shortened

02/09/2004 TDAVING copy period 09/492,218 to expire three months from the mailing date of the Office Action.

01 FC:1202 3% 011166 1-113 are currently pending in the application. Claims 41-51 are allowed.

Claims 1-40, 53-76, 79-96 and 99-113 are rejected. Claims 52, 77, 78, 97 and 98 are objected to.

Claims 1-6, 23-32, 37-44, 51-58, 60, 61, 66-71, 73, 74, 77, 78, 81, 82, 86-88, 91, 92, 94, 95, 97

and 107-110 are hereby amended. Claims 114 and 115 are hereby added.

Applicant has filed concurrently herewith a Declaration under 37 CFR 1.131 and has
 sworn back of the Lemelson et al. (5,823,788) reference. The final rejection of Claims 1-40, 53-
 76, 79-96 and 99-113 under 35 U.S.C. 103(a) based upon Lemelson et al. (US 5,823,788) is
 hereby traversed and overcome in accordance with 37 CFR 1.131.

No new matter has been added. This response is accompanied by the appropriate fee
 transmittal authorizing the Commissioner to charge any additional fees and credit any
 overpayments during the pendency of this application to Sitrick & Sitrick's Deposit Account
 Number: 501166. Reconsideration is respectfully requested.

PATENT APPLICATION
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Furthermore, Ishii (US 5,400,687), alone or in combination with any other art of record, does not teach, suggest or infer Applicant's present invention. Additionally, it is respectfully submitted that Examiner's reliance upon the combination of Lemelson and Ishii was improper, because Lemelson is not prior art to the pending application, and in any event, Lemelson did not teach, suggest or infer combination with Ishii.

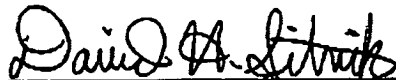
Claims 52, 77, 78, 97, and 98 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, in light of the above remarks, it is respectfully submitted that all objections as to Claims 52, 77, 78, 97, and 98, as being dependent upon a rejected base claim, are traversed and overcome.

Applicant's current amendments to claims have been made for clarification purposes to promote a better understanding of the claims' language and meanings for Examiner. These amendments have not been made in response to any art of record.

Applicant respectfully submits that all bases of Examiner's objections and rejections have been successfully traversed and overcome, and that all claims 1-115 are in proper form for allowance. Reconsideration is requested taking the form of a withdrawal of the Final Rejection and issuance of a Notice of Allowance.

The Examiner is invited to directly communicate with the undersigned, if it will in any way facilitate the prosecution of the application.

Respectfully submitted,



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January 21, 2004

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